

**REMARKS**

New claims 8 and 9 are added. Support can be found, for example on page 7, lines 7-8 and Example 5 of the present specification. No new matter is presented.

Accordingly, upon entry of the Amendment, claims 1-9 will be all of the claims pending in the application.

**I. Interview Request**

Applicants note for the record that an Interview was previously requested and scheduled for July 11, 2006, but an Advisory Action was issued on July 5, 2006 before an Interview was conducted. Applicants respectfully submit an RCE and are again requesting an Interview before the Examiner issues an action in this case. An Interview Request Form is being submitted herewith with a proposed date of August 3, 2006 at 10:00 am. The Examiner is respectfully requested to contact the undersigned at 202-775-7533 to confirm the requested date and time or to reschedule for a more convenient date and time.

**II. Response to Advisory Action**

In view of the Advisory Action, Applicants respectfully request the Examiner to reconsider the response filed on June 19, 2006 , which is incorporated herein in its entirety, in conjunction with the following remarks.

In the Final Office Action dated April 19, 2006, claims 1-7 were rejected under 35 U.S.C. § 102(a) as being unpatentable over U.S. Patent 6,447,913 to Watanabe et al in view of U.S. Patent 4,034,013 to Lane.

Applicants traversed the rejection and pointed out that Watanabe discloses a thermoplastic elastomer and a core-shell polymer as an impact resistance modifier (B), and

further discloses a graft copolymer, wherein (a-2) an olefinic copolymer prepared by  $\alpha$ -olefins and glycidyl esters of  $\alpha$ ,  $\beta$ -unsaturated acids are chemically bonded with (b) polymers such as an acrylic polymer, aromatic vinyl polymer and vinyl cyanide polymer. However, Watanabe only discloses various kinds of thermoplastic elastomers and a core-shell polymer as an impact resistance modifier (B), and does not specifically mention a thermoplastic elastomer and a core-shell polymer in combination.

In response, in the Advisory Action, the Examiner relies on the disclosure at column 3, lines 34-48 of Watanabe for the contention that Watanabe discloses typical examples of impact resistance rendering materials as component (B) including thermoplastic elastomers and core-shell polymers.

To the contrary, Applicants point out that at column 3, lines 34-48 relied on by the Examiner, Watanabe discloses each of thermoplastic elastomers and core-shell polymers as individual examples of impact resistance rendering materials (B) and not as a combination. Specifically, it states, "Typical examples of the impact resistance rendering materials (B) used in the present invention *include thermoplastic elastomers and core-shell polymers*". Examples of the thermoplastic elastomers are provided at column 3, line 46 to column 7, line 21. On the other hand, examples of core-shell polymers are disclosed at column 7, line 22 to column 8, line 15. Applicants note that in claim 1, Watanabe recites that component (B) is ". . . selected from the group consisting of olefin-based thermoplastic elastomers, styrene-based thermoplastic elastomers, polyester-based thermoplastic elastomers, polyamide-based thermoplastic elastomers, urethane-based thermoplastic elastomers and core-shell polymers having a rubber layer of diene-based elastomers, acrylic-based elastomers or combinations thereof". However,

no such combination is employed in the working examples disclosed in Watanabe beginning at column 12. Specifically, none of the seventeen (17) inventive examples or fifteen (15) comparative examples employs a combination of a thermoplastic elastomer and a core-shell polymer as component (B). See Table 1 and Table 2. Thus, when taken as a whole, one of ordinary skill in the art would not consider Watanabe as teaching, suggesting or even contemplating the use of thermoplastic elastomers and core-shell polymers in combination as in the present invention.

Further, Watanabe does not recognize the synergistic effect obtainable from the combination of the specific viscosity modifier for a thermoplastic polyester resin and core-shell polymer as shown by the data provided in the specification. As indicated in the Response filed on June 19, 2006, the essence of the present invention lies in the synergistic effect obtainable from the combination of a specific viscosity modifier for a thermoplastic polyester resin and a core-shell graft polymer. The thermoplastic polyester resin composition of the present invention which contains both a specific viscosity modifier for a thermoplastic polyester resin and a core-shell graft polymer has excellent property in anti-draw down effect and Izod impact strength, compared with resin compositions containing only one selected therefrom. See for example, Example 4 and Comparative Example 3 in Table 1 on page 32 of the specification. These unexpectedly superior results demonstrate the patentability of the present claims over the prior art.

In the Advisory Action, the Examiner takes the position that such a synergistic effect is not described in the claims or the specification. However, there is no requirement to recite such effect in the claims. Furthermore, the advantageous effects of the specific combination of

a viscosity modifier and core-shell polymer is described in the specification, for example, in the paragraph bridging pages 12 and 13 and based upon a comparison of the inventive examples and at least Comparative Examples 3 to 5 in the present specification (see Table 1). This was also pointed out in the Response filed on June 19, 2006 on page 2, and in the Amendment filed on February 2, 2006, on pages 8-9. Thus, the Examiner's statement that such a synergistic effect is not described in the claims or the specification is not accurate.

In the Final Action, to remedy the deficiencies of Watanabe, the Examiner relies on Lane, which discloses a copolymer obtained by the process in which n-butyl acrylate, 1,3-butylene diacrylate and allyl methacrylate are polymerized to obtain an acrylic rubber in the first stage and methyl methacrylate and glycidyl methacrylate are graft-copolymerized thereto in the second stage. However, Applicants have pointed out that the copolymer obtained in Lane corresponds to a core-shell graft polymer (C) in the present invention, and not to the viscosity modifier for a thermoplastic polyester resin (B). One of ordinary skill in the art would consider the copolymer obtained by graft-copolymerizing the monomers to the crosslinked acrylic rubber in Example of Lane as having an infinite weight average molecular weight, which is not equivalent to the viscosity modifier (B) of the present invention which has a finite weight average molecular weight of 1,000 to 400,000.

In the Advisory Action, the Examiner takes the position that the weight average molecular weight is clearly disclosed by Watanabe because it only requires simple mathematical skill to calculate it. However, Applicants note that the disclosure of Watanabe relied on by the Examiner is not relevant to the weight average molecular weight of the copolymer obtained in the Example of Lane. Moreover, neither of Watanabe nor Lane teaches or suggests the

desirability of combining a specific viscosity modifier for a thermoplastic polyester resin and a core-shell graft polymer, and the advantages attendant thereto. Thus, the references, whether taken alone or in combination, do not teach or suggest all elements of the present invention as a whole.

Accordingly, the present invention is not rendered obvious and Applicants respectfully request withdrawal of the rejection.

### **III. New Claims**

New claim 8 recites that the crystallinity of the thermoplastic polyester resin is preferably at most 20% as supported on page 7, lines 7-8 of the original specification. It is disclosed in the present specification that when the crystallinity of the thermoplastic polyester resin is more than 20% impact strength tends to decrease. This is further illustrated in Examples 59 to 64. As indicated by the results in Table 12 on page 55, when the crystallinity is high as in example 59 with a crystallinity of 25%, the impact strength is low when the temperature of the die for cool forming is high. On the other hand, in Examples 60 to 64 the crystallinity is low, and the impact strength is maintained. Neither of the cited references, discloses, teaches or suggests this feature of new claim 8.

New claim 9 recites that the unit (a) of the viscosity modifier is derived from 65 to 95 % by weight of alkyl (meth)acrylate containing an epoxy group. Example 5 in Table 1 on page 32 of the specification exemplifies a composition wherein the GMA ratio in the monomer mixture is 65% and the results shown in Table 1 that compositions within the specified range, e.g., Examples 5, 6 and 7, provide favorable anti-draw down effect, surface gloss of the molded

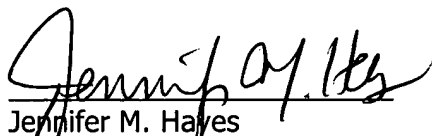
article and Izod impact strength. Neither of the cited references, discloses, teaches or suggests this feature of new claim 9.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. The Examiner is kindly requested to contact the undersigned at the telephone number listed below for confirmation of the Interview date and time as requested in the attached Interview request form.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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